

EXHIBIT I.21

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

8 : CASE NO.
9 THIS DOCUMENT : 1:17-MD-2804
10 RELATES TO ALL CASES:
11 : Hon. Dan A.
12 : Polster
13 - - -

14 Friday, August 3, 2018
15 - - -

16 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
17 CONFIDENTIALITY REVIEW
18 - - -

19 Videotaped deposition of
20 CHRISTOPHER ZIMMERMAN, taken pursuant to
21 notice, was held at the law offices of
22 Reed Smith, LLP, Three Logan Square, 1717
23 Arch Street, Suite 3100, Philadelphia,
24 Pennsylvania 19103, beginning at 9:00
a.m., on the above date, before Amanda
Dee Maslynsky-Miller, a Certified
Realtime Reporter.

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26
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30

1 Q. I think you said within the
2 closed system, or something to that
3 effect.

4 A. I thought I said
5 distribution channel.

6 Q. We don't need to fight about
7 what you said or didn't say.

12 MR. NICHOLAS: Object to the
13 form.

14 THE WITNESS: The closed
15 system, as I've heard it referred
16 to, is that the DEA sets the
17 quotas of how much product can be
18 produced, then manufactured; those
19 products are transferred to the
20 distributor through ARCOS, which
21 is maintained -- transferred to
22 the distributor.

23 And then the distributor
24 transfers to the pharmacy or the

1 dispenser with an ARCOS
2 transaction, which closes the
3 distribution, as far as DEA
4 tracking goes.

5 BY MR. PIFKO:

6 Q. So there are legitimate
7 channels of distribution within that
8 system, correct?

9 MR. NICHOLAS: Object to the
10 form.

11 THE WITNESS: That is the --
12 that is the legitimate
13 distribution channel.

14 BY MR. PIFKO:

15 Q. Okay. And then there could
16 be -- a channel of distribution outside
17 of that system, that would be
18 illegitimate, correct?

19 MR. NICHOLAS: Object to the
20 form.

21 THE WITNESS: I can't say
22 what type of other distribution.
23 I can only comment on our
24 distribution system.

1 BY MR. PIFKO:

2 Q. Well, you said that that's
3 the legitimate one, the one you just
4 described, correct?

5 A. That's the -- you asked me
6 what the closed distribution was, and
7 that's what the closed distribution is.

8 Q. And you understand that your
9 duty to prevent diversion is to prevent
10 applicable controlled substances from
11 exiting that system?

12 MR. NICHOLAS: Object to the
13 form.

14 THE WITNESS: Our
15 responsibility is to ensure that
16 we distribute FDA-approved drugs
17 from the -- that we maintain in
18 our distribution centers to
19 licensed entities.

20 BY MR. PIFKO:

21 Q. And what do you mean by
22 "licensed entities"?

23 A. Pharmacies, hospitals, DEA
24 registrants and State Board of Pharmacy

1 registrants.

2 Q. And you understand that
3 those registrants also have duties to
4 maintain effective controls as well?

5 MR. NICHOLAS: Object to the
6 form.

7 THE WITNESS: They have
8 their own regulations that they
9 must follow, correct.

10 BY MR. PIFKO:

11 Q. So the idea of preventing
12 diversion is to prevent substances from
13 getting into illegal hands, correct?

14 MR. NICHOLAS: Object to the
15 form.

16 THE WITNESS: Each
17 registrant has its
18 responsibilities to maintain
19 effective controls to prevent
20 diversion. We maintain those
21 within our registrant's capacity,
22 correct.

23 BY MR. PIFKO:

24 Q. Can you give me an example

1 A. Yes.

2 Q. That's an attribute of your
3 suspicious order monitoring system,
4 correct?

5 MR. NICHOLAS: Object to the
6 form.

7 THE WITNESS: You need to
8 put it into context of time,
9 because the program has been
10 enhanced over the years.

11 BY MR. PIFKO:

12 Q. Well, for the time period
13 for which you're here to testify, which
14 ends in 2014, at all times there's been
15 some threshold requirement in the system,
16 correct?

17 A. Correct.

18 Q. Can you tell me what a
19 threshold is?

20 MR. NICHOLAS: Object to the
21 form.

22 THE WITNESS: A threshold is
23 the -- is a trigger that we have
24 put into the program to create --

1 to identify an order of interest
2 for further review.

3 BY MR. PIFKO:

4 Q. And so the threshold is the
5 first step in the suspicious order
6 monitoring program, correct?

7 MR. NICHOLAS: Object to the
8 form.

9 THE WITNESS: It is a step.

10 BY MR. PIFKO:

11 Q. Is there a step before the
12 threshold?

13 A. We train our employees at
14 the distribution centers also to be aware
15 of, and train them on suspicious orders.
16 And if they identify a suspicious order,
17 they're to report it.

18 Q. The threshold is a key
19 factor that's used to identify
20 potentially suspicious orders, correct?

21 MR. NICHOLAS: Object to the
22 form.

23 THE WITNESS: It's an
24 identifier that we use

This figure consists of a 20x20 grid of black bars on a white background. The bars are solid black and vary in width. The pattern is roughly triangular, with the highest density of bars in the center and tapering off towards the edges. The bars are arranged in a grid-like fashion, with some cells containing a single bar and others being empty.

A 20x20 grid of black bars. The bars are arranged in a pattern where most are horizontal, but some are vertical or partially cut off. The grid is bounded by a thick black border.